

**Congressional Human Rights Caucus Members Briefing  
Sex-Trafficking in Eastern Europe: Belarus, Moldova and Ukraine**

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Representative Chris Smith, Representative Hilda Solis, and members of the Congressional Human Rights Caucus, and staff:

On behalf of Amnesty International USA, I thank you for your leadership and your attention to this important human right violation. In this testimony I will briefly cover the challenges for source countries, the challenges for destination countries, positive developments, and recommendations.

Trafficking is a worldwide abuse of human rights and a scourge of the 21st century that claims tens of thousands of victims throughout the world every year. It results in the violation of the human rights of trafficked persons including the rights to: physical and mental integrity; life; liberty; security of the person; dignity; freedom from slavery, slavery-like practices, torture and other inhuman and degrading treatment; family life; freedom of movement; privacy; the highest attainable standard of health; and safe and secure housing. Trafficking is a crime under international law that requires international cooperation to address.

**Challenges for Source Countries:**

Amnesty International created a case study of the problems of trafficking in its report on Kosovo (Serbia and Montenegro), “Does that mean that I have rights: Protecting the human rights of women and girls trafficked for forced prostitution in Kosovo” in May 2004. Many of the women or girls trafficked into Kosovo are from Moldova, Bulgaria, and Ukraine. Many are lured to Kosovo on promises of a good job often in Western Europe. Others are sold or kidnapped into captivity. After the arrival of thousands of international peacekeeping troops in Kosovo in 1999, young women and teenage girls from the Balkans and Eastern Europe were trafficked into Kosovo to meet the demand for a flourishing sex industry. These trafficked women and girls have become virtual sex slaves, often locked in the upper rooms over seedy bars, watched constantly, not allowed to leave, and frequently beaten and raped. Meanwhile, increasing numbers of young women in Kosovo, many of them believed to be minors, are also internally trafficked.

The majority of women and girls trafficked into Kosovo arrive from the poorest countries in Europe. They have suffered more than a decade of poverty, job scarcity, social dislocation, and limited access to education that is exacerbated by gender discrimination. Many have also have experienced high levels of violence in the family and other forms of gender-based violence.

One trafficked woman in Kosovo told AI: *“I was desperate, and not because I was having problems with my parents as I heard from other girls, but because we were so poor... My grandmother had a very small allowance, and my mother has only the state allowance for my three brothers. We should have the alimony that my father is supposed*

*to give us, but he is just ignoring us and not helping us at all.... I couldn't live any longer on my grandmother's pension, so I said that I'd better go somewhere else where I could work hard and earn some money to help my family and my brothers."*

In September 2002, the International Organization for Migration (IOM) published an analysis of the social profile of 168 women and girls from Moldova, for whom they had provided assistance. Six percent of them were girls under the age of 18. The IOM found that the majority of women and girls (57 percent) had only received a basic primary education, 24 percent had received secondary education, 15 percent had been educated to the age of 18, and 4 percent had attended university. Over 70 percent defined themselves as poor or very poor, those that were employed earning less than \$30US (€30) a month. Some 88 percent of these women and girls told the IOM that their main reason for leaving Moldova was to find work.

Some 37 percent of these women and girls were mothers, often separated or divorced. Some were single mothers or widowed. Fewer than 10 percent were reportedly married or living in a stable relationship.

Many trafficked women already have suffered violations of their physical and mental integrity in their home countries. Based on interviews with 105 trafficked women, IOM found that some 22 percent had been physically or psychologically abused within their family, another 15 percent reported physical and sexual violence, and 7 percent reported physical or psychological abuse by a husband or partner.

Based on these interviews, IOM suggests that many women's final decision to leave home was precipitated by an argument with their parents or partner, or an episode of domestic violence, as in the following case:

*"Following repeated abuse by her husband, culminating in threats to stab and kill her, a Romanian woman with three children fled her husband, and temporarily took her children to her parents' house. Her husband's cousin -- who was aware of her situation -- told her that he knew someone who was organizing trips to Germany. Hoping that she might be able to find a job in Germany with the help of an aunt living there, she agreed to go. En route, she found that she had been sold, and was trafficked to Kosovo."*

Many women in countries such as Bulgaria, Moldova, Romania and Ukraine may see the chance to work abroad as positive choice. They believe work abroad can offer them a way out and the chance to earn what they expect to be many times what they can earn at home.

Source countries, in addition to facing challenges with the economic and social conditions that render women vulnerable to trafficking, also face challenges regarding prosecutions of traffickers. In Ukraine, for example, the government has taken steps to address the problem of trafficking. Prosecutions increased after 1998 when Article 149 of the Criminal Code was introduced establishing trafficking as an offense. However, conviction rates in the Ukraine remain low. Judges often lack experience of the issue and witness protection is rarely offered to trafficked women and girls. Although a special department was established within the Ministry of the Interior of Ukraine to deal with trafficking, law enforcement officers often lack resources and training.

The international community must give support to these source countries across Eastern Europe to create an environment where women and girls live free from violence and discrimination and have access to education, work and housing. Addressing these preconditions will make women and girls less vulnerable to being trafficked.

### **Challenges for Destination Countries:**

The challenges are also high to combat trafficking in destination countries. Destination countries must address the role of demand, end impunity for traffickers, provide protection for trafficked women and girls, and overcome the resistance of the problem to traditional approaches.

The Kosovo case study mentioned earlier illustrates the challenge of demand. In the second half of 1999, 40,000 NATO Kosovo Force (KFOR) troops were deployed and hundreds of United Nations Interim Mission in Kosovo (UNMIK) personnel arrived along with staff from more than 250 international non-governmental organizations (NGOs) to Kosovo. Within months of KFOR's arrival, brothels were reported around the military bases occupied by international peacekeepers. Kosovo soon became a major destination country for women trafficked into forced prostitution. A small-scale local market for prostitution was transformed into a large-scale industry based on trafficking predominantly run by organized criminal networks.

In the period from 1999-2000, it was estimated that international persons comprised 80 percent of the clients of tracked women and girls. In 2002 the figure decreased to around 30 percent, but at the same time the internationals generated some 80 percent of the industry income. Today an estimated 20 percent of the client-base comes from the international community, which constitutes only about 2 percent of the population in Kosovo.

In addition to the challenges of demand, governments must also confront impunity and corruption. The case of a Moldovan woman known as S.C. in Montenegro illustrates these obstacles. The government of Montenegro in the country of Serbia and Montenegro has stalled in a high-profile sex-trafficking case in which Montenegrin politicians, judges, police and civil servants are allegedly implicated. S.C. is believed to have been trafficked into Montenegro and forcibly made to work as a prostitute in a period from 1999 to November 2002, when she found shelter in a Women's Safe House in the capital Podgorica. The 28-year-old mother of two suffered horrendous physical and sexual abuse for more than three years resulting in severe injuries including seven broken bones, internal injuries so that she could not sit down without pain, scars from handcuffs, cigarette burns on her genitals, and bruises in her mouth. S.C. alleges that Montenegrin politicians, judges, police and civil servants had tortured and raped her and other trafficked and enslaved East European women.

A criminal investigation was opened into the case. Authorities arrested Deputy State Prosecutor Zoran Piperovic and three others on suspicion of being involved in trafficking women for the purposes of forced prostitution. In 2003, the case against the four suspects was dropped ostensibly for lack of evidence. Under international pressure, the Montenegrin government allowed for an inspection into the legality of the case. In November 2004, a government-appointed commission completed its investigation in the actions of the police and the judicial authorities in the case. The Organization of Security and Cooperation in Europe expressed its dissatisfaction with the commission's findings. Amnesty International (AI) considers that the commission has failed to address the issues in an acceptable manner, and urges the Montenegrin authorities to re-open the case. Furthermore, AI is seeking information as to whether there has been any disciplinary or

criminal measures initiated against members of the Ministry of Internal Affairs for dereliction of duty in line with the commission's findings.

The governments of destination countries must also protect the trafficked persons. There is a high risk that the authorities in the destination country violate the rights of the trafficked person, meaning the victim experiences sequential violations. In some cases the trafficked persons are under tremendous pressure from the destination countries to testify against the traffickers, even though they may be worried about their own safety or the safety of their families. For instance, in February 2004 in Albania, a woman who claimed that she had been trafficked for forced prostitution at the age of 14 withdrew her previous testimony after being confronted with the defendant at his trial by Shkodër district court. He had reportedly earlier openly threatened her. She was immediately arrested in court and charged with perjury.

The Kosovo case study also demonstrates the intractability of the trafficking problem and its resistance to traditional methods of social change. For instance, Amnesty International has campaigned actively for a year now on trafficking in Kosovo, generating media coverage, working with local and international NGOs, meeting with the local authorities and international authorities, and gathering local and international attention. Despite this progress, the latest United Nations "off limits" list for its staff reveals that there are still at least 204 bars, restaurants, and clubs where trafficked women are believed to work in Kosovo. Despite the closure of some bars, the overall number is almost exactly the same number of premises as listed a year ago.

### **Positive Developments:**

Despite all these obstacles, there have been some positive developments in the past year, particularly in the areas of policy and law, by NATO, the United Nations, the Council of Europe, and the US Department of Defense. AI welcomes NATO's policy on Combating Trafficking in Human Beings from June 2004. We also welcome the United Nations report of March 24 called "A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in the UN Peacekeeping."

The Council of Europe's European Convention on Action against Trafficking in Human Beings passed in May also makes a few significant positive steps forward. In particular, it expands the scope of the definition of trafficking set out in the Palermo Protocol to expressly include internal (in-state) trafficking, and it includes trafficking that does not involve organized criminal groups.

The US Department of Defense also moved policy forward as the Deputy Secretary of Defense approved last month the implementation of the Military Extraterritorial Jurisdiction Act (MEJA) for all Department of Defense installations outside of the United States. Implementation of MEJA could improve accountability for private military contractors involved in trafficking.

Given the obstacles discussed previously for both source and destination countries, Amnesty International USA makes the following recommendations discussed below.

### **Recommendations:**

**To the Governments of Belarus, Ukraine, Moldova and other source countries:**

- To involve fully relevant domestic non-governmental organizations, international NGOs, and the IOM in the anti-trafficking efforts.
- To commission a comprehensive program of research into the current social and economic status of young women and girls, identifying factors that make young women vulnerable to trafficking, including both qualitative and quantitative data.
- To take steps to ensure that objective information on the dangers of trafficking is available to women and girls, including through TV, radio and print media.
- To take measures to ensure that all girls between the ages of 12 and 16 are guaranteed access to meaningful full-time education.
- To encourage donors to provide safe and gainful employment for young women, particularly in rural areas.
- To ensure necessary assistance and protection to trafficked persons who return home and to facilitate their access to redress and reparation.

**To the United Nations:**

- To take forward the recommendations of the spring report, “A comprehensive strategy to eliminate future sexual exploitation and abuse in UN peacekeeping operations.” In particular, to foster criminal and disciplinary accountability for members of peacekeeping missions involved in trafficking and a professional investigative capacity for peacekeeping operations.

**To the United States government:**

- To implement fully NATO’s policy on Combating Trafficking in Human Beings to ensure that all NATO personnel involved in peacekeeping or other deployments are educated during training about the human rights violations related to trafficking and the criminal nature of these violations. To implement the policy to make provisions in training and in disciplinary procedures prohibiting NATO forces from knowingly using the services of a trafficked woman. To create transparency by establishing a monitoring mechanism whereby member states are obliged to provide information on allegations made against their personnel regarding trafficking. To expand the policy to detail specific measures for accountability of NATO personnel.
- To investigate and prosecute any person who engages in the knowing use of the “services” of a trafficked woman in Kosovo and other similar circumstances for the crime of rape, since the circumstances in Kosovo in which trafficked women are held make it impossible for them to give genuine consent for sex.
- To implement the recommendations from the Department of Defense Office of the Inspector-General report “Assessment of DOD Efforts to Combat Trafficking in Persons—Bosnia-Herzegovina and Kosovo” from December 2003. The report found: “Anecdotal evidence indicates some level of DOD contractor employee involvement in activities related to human trafficking in Bosnia-Herzegovina and Kosovo.” The Inspector General report recommends:
  - To “implement a training program designed to educate military personnel, contractor employees, and law enforcement personnel regarding human trafficking.”

- To “incorporate standard clauses in all contracts for work ... that prohibit contractor employee involvement in activities that may support human trafficking and requires contractors to report to U.S military authorities any information regarding involvement of their employees.” For example, “The contractor shall inform the DOD Procuring Contracting Officer of any action against an employee who engages in any activity which may support trafficking in persons.”

## APPENDIX:

### **Amnesty International Recommendations to all Governments on Trafficking in Persons**

All governments should ensure that its anti-trafficking policy guarantees that the respect and protection of human rights lies at the center of all action taken on trafficking. An anti-trafficking policy should:

- 1. Characterize Trafficking in Human Beings as in itself a human rights violation**, which results in a range of human rights violations and abuses, and is an offense to the dignity and integrity of the human being;
- 2. Prohibit the detention, charge, prosecution or punishment of trafficked persons** for illegal entry or residence in a country of transit or destination, or for any other unlawful activities that are a consequence of the person’s situation as a trafficked person.
- 3. Ensure the Accurate Identification of Trafficked Persons** including:
  - Ensuring that the competent authorities tasked with identification of trafficking victims *are* persons who are *sensitized*, trained and qualified to *accurately identify trafficked persons in a gender- and culturally sensitive manner*;
  - Providing for the right of a person to appeal to an independent and impartial body determinations related to their identification as a victim of trafficking, to obtain assistance and protection measures, and to secure their return;
  - Prohibiting the forced removal of a person until the identification process, (including any appeal) and the Reflection and Recovery Period has been completed.
- 4. Create a Framework for the Protection of the Human Rights and Assistance of Trafficked Persons** that
  - Ensures access of trafficked persons to a full range of protection, services and assistance, including notably: safe and secure housing, material assistance, medical and psychological care and treatment, access to education (particularly for children), vocational guidance and training and access to the labor

employment; and requires that such measures are provided on a fully informed and consensual basis and in a manner that respects the dignity and privacy of the person;

- Requires that such protection, services and assistance are made available to *all* trafficked persons on the basis of need (determined by periodic risk/needs assessments), regardless of their residence status in the country or their agreement to cooperate with law enforcement efforts to bring their traffickers to justice;
- Ensures third-country protection, where appropriate;
- Ensures that all measures taken in relation to trafficked children are consistent with the internationally guaranteed rights of the child;
- Ensures the provision of information about the availability of redress and protection, assistance and other services available to persons reasonably believed to be trafficked and about how to access such redress, and services in a language the person understands; and
- Ensures protection measures are extended, where appropriate, to family members of a trafficked person and others including those who cooperate with law enforcement or judicial authorities and those who provide services to trafficked persons.

**5. Provide a Sufficient Recovery and Reflection Period of a minimum of three months.** The purposes of this period are to:

- Enable a person to begin to recover, escape the influence of their trafficker(s) *and* make informed decisions about their cooperation in law enforcement efforts, in security;
- Make available a full range of protection, assistance and services to the person during this period, based on a needs/risk assessment;
- Ensure that appropriate documentation is issued which officially regularizes and recognizes the person's status in the country during this time.

**6. Provide for the issuance of Six-Month-Renewable and Permanent Residence Permits on the basis of risk and need, by**

- Agreeing that cooperating with law enforcement and judicial efforts to bring those responsible for trafficking to justice should not be a requirement for the issuance of residence permits;
- Basing the Issuance and Renewals of residence permits on a risk and needs assessment;
- Ensuring that the issuance of residence permits does not prejudice the right to seek and enjoy asylum.

**7. Require that Repatriation to *any* state be prohibited if there is a risk of human rights violation, including re-trafficking.** Qualified personnel must carry out the risk assessment.

**8. Establish an effective Monitoring Body composed on independent human rights experts**, including persons who have worked with and on behalf trafficked persons in countries of origin, transit and destination.

The Monitoring Body should:

- Be appointed in an open and transparent process that includes consultation with civil society;
- Be mandated to: monitor the implementation of the trafficking policy and relevant international laws on the basis of periodic reports of information from any source including civil society; carry out site visits; and receive and consider collective complaints.